

10/3



**IN THE DISTRICT COURT FOR TULSA COUNTY
STATE OF OKLAHOMA**

Shirley Dione Webster
Dwayne Marvin Garrett
PLAINTIFFS,

Vs.

William Barr
Jim Felte

Gregory Frizzell

Michael Gans

Scott S. Harris

Jacob Levitan

DEFENDANTS,

Case No.

**DISTRICT COURT
FILED**

APR 24 2020

DON NEWBERRY, Court Clerk
STATE OF OKLA. TULSA COUNTY

CJ-2020-01446

DAMAN CANTRELL

Under the Authority of 18 U.S.C. Sec. 1344
Bank Fraud and Criminal Accessory

- 1) William Barr, working in concert with Jim Felte, Gregory Frizzell, Scott S. Harris, Jacob Levitan, are in violation under the Wild and Scenic River Act, 16 U.S.C. §§ 1271, *et seq*
- 2) Scott Harris and Jacob Levitan along with Jim Felte, Michael Gans and Gregory Frizzell, are working out of the color of law and out of the Constitutional Amendments 1st, 5th, 7th, and 11th by the reasoning and decision of *Engquist v. Oregon Department of Agriculture*, 553 U.S. 591 (2008).
- 3) Working in concert under statute 18 U.S.C. § 1964(b) Michael Gans, Scott S. Harris and Jacob Levitan are in violation of *Harrison v. Missouri Pacific Railroad* 372 U.S. 248.

2020 APR 24 P 2:07

Remedy Sought

In cases that have been submitted to the court for review, by law, violations are in excess of 4 billion dollars in damages.

Date April 24-2020 Shirley Dione Webster
Shirley Dione Webster
PO Box 717
Owasso, OK. 74055

Date April 21 2020
Dwayne Marvin Garrett
Dwayne Marvin Garrett
PO Box 717
Owasso, OK. 74055

Attention: Chief Justice John Roberts

Department of Justice
Mr. William Barr
950 Pennsylvania Ave, NW
Washington, D.C. 20530-0001
Referral # 4326991

Jim Felte
950 Pennsylvania Ave NW
Washington, D.C. 20530-0001

Michael Gans
Thomas F. Eagleton U.S. Courthouse
111 South 10th Street Room 24.329
St. Louis, MO. 63102

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Scott S Harris
One First St NE
Office of the Clerk
Washington, D.C. 20543-0001

Jacob Levitan
One First St NE
Office of the Clerk
Washington, D.C. 20543-0001

ARVEST[®]

BANK

July 23, 2019

SHIRLEY WEBSTER
OR SHOAT WEBSTER
WEBSTER RANCH
HC 81 BOX 217
LENAPAH OK 74042-9724

RE: NOTICE OF GARNISHMENT

Dear Shirley,

Please take a moment to read this important communication regarding your Arvest account. This letter is to inform you that Arvest Bank has received a Writ of Garnishment naming you as a Defendant on July 23, 2019 in the amount of \$256,195.16.

On July 23, 2019 we researched your account and identified one or more Federal benefit payments deposited in the last two months. As required by Federal regulations, we have established a "protected amount" of funds that will remain available to you and that will not be removed from your account in response to the garnishment order. Below are the affected accounts ending in:

<u>Account #</u>	<u>Balance</u>	<u>Amt. Protected</u>	<u>Amt Subject to Garnishment</u>	<u>Fee</u>
- 5907	\$50,621.85	\$1,032.00	\$48,889.85	\$60.00

As of the date of this letter, the funds shown above that may be subject to the Writ of Garnishment under state law in the amount of \$48,829.85 have been remitted. Outstanding checks presented for payment against unavailable funds may be returned unpaid and marked "Non-Sufficient Funds." If you have a safe deposit box, you will be unable to gain access for 30 days.

Additional information about this garnishment process and your rights can be found on the enclosed "Additional Information About Garnishment Process" form.

If you have any questions regarding your account, please call our customer service department at 866-952-9523.

Thank you,

Arvest Bank
Customer Service

Member FDIC

IN THE District Court of Washington County OK
STATE OF OKLAHOMA

Plaintiff: Carlotta Gordon & Brian Gordon

vs.

Case No. CJ-2017-239

Defendant: Shirley Dionne Garrett and/or Shirley D Webster

Garnishee: Arvest Bank

Attorney for Plaintiff: Frederick S Esser

BANK or FINANCIAL INSTITUTION'S ANSWER
(General Garnishee's Answer/Affidavit)

STATE OF OKLAHOMA

ss.

COUNTY OF WASHINGTON

Michelle Hernandez
(Name of Affiant)

, being duly sworn deposes and says:

I am the Coll Specialist of Arvest Bank, a corporation, organized under the laws of the State of Oklahoma.
(Official title)

Garnishee, having been served with this garnishment summons on July 23, 2019, and having knowledge of the facts and being sworn, states:

CHECK ONLY ONE (1) OF THE FOLLOWING - Whichever properly describes your garnishment response:

- (x) 1. **MONEY/FUNDS AVAILABLE:** At the time of service of the general garnishment summons (or upon the date it became effective), the garnishee bank/financial institution was indebted to the judgment debtor or had POSSESSION or CONTROL of any property, money, goods, chattels, credits, negotiable instruments or effects belonging to the judgment debtor as follows:

Amount: \$48,829.85

Other (specify): Judgment debtor has funds on deposit for \$48,829.85. Cashier check remitted.

- () 2. **NO MONEY, GOODS, CHATTELS, CREDITS, NEGOTIABLE INSTRUMENTS, OR OTHER EFFECTS AVAILABLE:** At the time of the service of the garnishment summons (or upon the date it became effective) the garnishee was not indebted to the judgment debtor/defendant the judgment debtor/defendant status was:

SPECIFY: _____

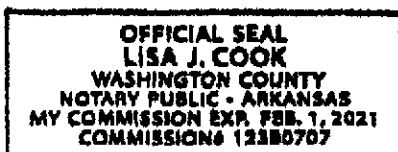
The garnishee mailed a copy of notice of garnishment and exemptions and application for hearing by first class mail to the defendant at: OR SHOAT WEBSTER WEBSTER RANCH HC 61 BOX 217 LENAPAH
OK 74042-9724

Date Mailed: 7/23/2019

[Signature]
(Garnishee Signature)

Subscribed and sworn to me before me this 23 day of July, 2019

[Signature]
(Notary Public)



2195907 THRU 07-28-19 TRANSACTION SYSTEM - CUSTOMER STATEMENT PAGE 1
 SHIRLEY WEBSTER BALANCE AS OF 7-17-19 50,521.85
 OR SHOAT WEBSTER +DEF/CR 0 .00
 WEBSTER RANCH -CK/DR 3 49,001.85
 HC 61 BOX 217 -SVC CHARGE .00
 LENAPAH OK 74042-9724 +INT PAID .00
 CURRENT BAL 1,520.00

Pst/Dt	Description	Amount	Balance
Eff/Dt	Serial Number	Amount	Balance
072319	GARN CARLOTTA G	48829.85-	1692.00
072319	GARNISHMENT PRO	60.00-	1632.00
072319	AMER ELECT PWR	112.00-	1520.00
072319	WEBSTER, SHIRLEY		

STATEMENT COMPLETE

20-0700-4D Checking Account Inquiry - Detail History Data
 7-29-20

Account number 2195907 Short name WEBSTER SHIRLEY

-----Detail Information-----

Posting date julian/calendar	2019204 / 7-23-19
Effective date julian/calendar	2019204 / 7-23-19
Transaction number within day1
DR/CR code	6
Posting/internal/original tran code	.49 / .49 / .49
Transaction amount48,829.85-
Serial/check number
Str/run/bat/seq#	.00/800/0000059/0000010/00
Quantity for this transaction1.
Passbook/reversal flag	/
Substitute check flag	
Source of transaction/user ID	/
Description of transaction	GARN CARLOTTA GORDON & BRIAN

F3=Exit F15=New Checking Inquiry

**IN THE DISTRICT COURT OF WASHINGTON COUNTY
STATE OF OKLAHOMA**

CARLOTTA GORDON and
BRIAN GORDON,

Plaintiffs,

vs.

Case No: CJ-2017-239

SHIRLEY DIONNE GARRETT,
Also known as SHIRLEY GARRETT and/or
SHIRLEY D. WEBSTER, an Individual;
and,
DWAYNE M. GARRETT,
An Individual,

Defendants.

DISTRICT COURT WASHINGTON CO. OK
JILL L. SPITZER, COURT CLERK

FILED
HJL 2 2019
ST. [Signature] DEPUTY

Garnishment Affidavit

(12 O.S. § 1172)

STATE OF OKLAHOMA)

COUNTY OF WASHINGTON)

I, Frederick S. Esser, being duly sworn, state as follows:

1. That I am the attorney for Judgment Creditor/Plaintiff, Carlotta Gordon and Brian Gordon, in the above-styled case;
2. For Prejudgment Garnishment: N/A
3. For Postjudgment Garnishment: That Shirley Dionne Garrett, also known as Shirley Garrett and/or Shirley D. Webster, Defendant in the above-styled case, is indebted to the Plaintiff as follows:

\$ 157,050.00	In favor of Carlotta Gordon
\$ 94,203.17	In favor of Brian Gordon
\$ 246,253.17	Interest-bearing balance
\$ 9,866.99	Interest at 6.50 % from December 3, 2018 (date)
\$ 75.00	Court costs not included in interest-bearing balance
\$ -0-	Attorney fees not included in interest-bearing balance
\$ 256,195.16	Total Garnishment amount

4. That I believe that Arvest Bank Group is indebted to the Defendant, Shirley Dionne Garrett, also known as Shirley Garrett and/or Shirley D. Webster, or has property within the its possession or under its control belonging to this Defendant, which is not by law exempt from seizure or sale upon execution.
5. Plaintiff is NOT seeking a continuing garnishment.

Frederick S. Esser

Frederick S. Esser, OBA#2761
401 S. Dewey, Suite 214
Bartlesville, OK 74003

Telephone: 918/336-5959

Facsimile: 918/336-5966

Email: rick@akersesserlaw.com

Attorney for the Judgment Creditor / Plaintiff

Subscribed and sworn to before me this 19th day of June 2019

Heather A. Snow

Heather A. Snow, Notary Public
Commission No. 01001247

My commission expires: February 14, 2021

[SEAL]



MIME-Version:1.0
From:ecf_txnd@txnd.uscourts.gov
To:Courtmail@localhost.localdomain

Message-Id:<11691319@txnd.uscourts.gov>
Subject:Activity in Case 3:19-cv-01567-L-BT Garrett v. Esser et al Order
Referring Case to Magistrate Judge
Content-Type: text/plain

This is an automatic e-mail message generated by the CM/ECF system.
Please DO NOT RESPOND to this e-mail because the mail box is unattended.
NOTE TO PUBLIC ACCESS USERS Judicial Conference of the United States
policy permits attorneys of record and parties in a case (including pro se
litigants) to receive one free electronic copy of all documents filed electronically, if
receipt is required by law or directed by the filer. PACER access fees apply
to all other users. To avoid later charges, download a copy of each document
during this first viewing. However, if the referenced document is a transcript,
the free copy and 30 page limit do not apply.

U.S. District Court
Northern District of Texas

Notice of Electronic Filing
The following transaction was entered on 7/31/2019 3:20 PM CDT and filed
on 7/31/2019

Case Name: Garrett v. Esser et al

Case Number: 3:19-cv-01567-L-BT
<https://ecf.txnd.uscourts.gov/cgi-bin/DktRpt.pl?319033>

Filer:

Document Number: 5

Copy the URL address from the line below into the location bar
of your Web browser to view the document:
https://ecf.txnd.uscourts.gov/doc1/177112584781?caseId=319033&de_seq_num=24&magic_num=MAGIC

Docket Text:
STANDING ORDER OF REFERENCE: This case
is hereby referred to United States Magistrate Judge Rebecca Rutherford
for pretrial management. All nondispositive motions, pending or prospective,
are referred to the magistrate judge for determination. (Ordered
by Judge Sam A. Lindsay on 7/31/2019) (ndt)

3:19-cv-01567-L-BT Notice has been electronically mailed to:

3:19-cv-01567-L-BT Notice required by federal rule will be delivered by other
means (as detailed in the Clerk's records for orders/judgments) to:

Shirley Dione Webster Garrett
PO Box 217 HC 61
Lenapah, OK 74042

The following document(s) are associated with this transaction:
Document description: Main Document
Original filename: n/a
Electronic document Stamp:

[STAMP dcecfStamp_ID=1004775 [Date=7/31/2019] [FileNumber=11691318-0]
[68b5ef57f0921c887abdc7d751c26dfe2f5b7425cb5fad015b96131add024d824f7f25466e1db10
3fb37c8014f2b959fa8041ec88a3662ed84883fc15c7a7246]]

In the District Court of Washington County
State of Oklahoma

**Carlotta Gordon and
Brian Gordon**

Plaintiff

vs.

**Shirley Dionne Garrett, also known
Defendant**

as Shirley D. Webster
and

Arvest Bank

Garnishes

Case No. CJ-2017-239

Claim for Exemption and Request for Hearing

1. Funds sought in garnishment are exempt from execution because they are (check applicable box):

- ☐ A. Social Security benefits – 42 U.S.C. § 407.
- ☐ B. Supplemental security income – 42 U.S.C. §1383(d).
- ☐ C. Unemployment benefits – 40 O.S. §2-303.
- ☐ D. Workmen's Compensation benefits – 86 O.S. §48.
- ☐ E. Welfare benefits – 86 O.S. §173.
- ☐ F. Veterans' benefits – 38 U.S.C. §3101, 31 O.S. §7.
- ☐ G. Monies in Possession of Police Pensions – 11 O.S. §60-124.
- ☐ H. Monies in Possession of Firemen's Relief & Pension Fund – 11 O.S. §49-126.
- ☐ I. Monies in Possession of County Employee's Retirement System – 19 O.S. §959.
- ☐ J. Monies in Possession of Public Employee's Retirement Fund – 74 O.S. §923.
- ☐ K. Teacher's Annuities or Retirement Allowance – 70 O.S. §17-109.
- ☐ L. Annuities and pension payments under Railroad Retirement Act – 46 U.S.C. §231(m)
- ☐ M. United States Civil Service Retirement and Disability Pension Fund Payments – 5 U.S.C. §8346.
- ☐ N. United States Civil Service Survivor Annuities – 5 U.S.C. §8346.
- ☐ O. Interest in Retirement, Pension and Profit Sharing Plans – 60 O.S. §327, 60 O.S. §328.
- ☐ P. The Wages of Seamen – 46 U.S.C. §601.
- ☐ Q. Funds vested in the Allen Property Custodian – 50 U.S.C. Appx. §9(f).
- ☐ R. Prepaid Burial Benefits – 38 O.S. §6125.
- ☐ S. Proceeds of Group-Life Insurance Policy – 36 O.S. 3632, and 36 O.S. §4026.
- ☐ T. Alimony, support, separate maintenance, or child support necessary for support of judgment debtor or dependent – 31 O.S. §1.1.
- ☐ U. Personal wage exemption because of undue hardship – 31 O.S. §1.1.
- ☐ V. Other (please state): _____

2. Check one box:

☐ All funds are exempt, or,

☐ I believe the following amount of money is exempt: \$ _____
(Fill in the amount of funds to be exempt).

3. Check if applicable:

☐ I have attached copies of the documents that show that my money is exempt.

4. If garnishment is for wages, this claim and request is filed for the pay period
_____ through _____, inclusive.

6. I request that this matter be set for hearing.

Signature

Address for mailing of Court Hearing Notice

Address for mailing a copy of Claim to Judgment
Creditor's Attorney:

You must mail the original to the Court Clerk of Washington County at the following
address: 420 S. Johnston Ave., Bartlesville, Oklahoma 74003

NOTICE OF GARNISHMENT AND EXEMPTIONS

IMPORTANT: YOUR MONEY MAY BE TAKEN TO PAY A JUDGMENT. READ THIS CAREFULLY.

A Garnishment Summons against your account(s), wages or other property has been served on the named garnishee. Money held for you by the named garnishee may be taken to pay a judgment against you. However, some money is protected by law ("exempt") and cannot be taken to pay certain types of judgments. The following is a list of funds that may be exempt. By law, additional exemptions may also be available:

- A. Social Security Benefit - 42 U.S.C. § 407.
- B. Supplemental Security Income - 42 U.S.C. § 1383 (d)
- C. Unemployment Benefits - 40 O.S. § 2-303.
- D. Workers' Compensation Benefits - 85A O.S. § 10.
- E. Welfare Benefits - 56 O.S. § 173.
- F. Veteran's Benefits - 38 U.S.C. § 5301, 31 O.S. § 7.
- G. Monies in possession of Police Pensions - 11 O.S. § 50-124.
- H. Monies in possession of Firemen's Relief and Pensions Fund - 11 O.S. § 48-126.
- I. Monies in possession of County Employee's Retirement System - 19 O.S. § 959.
- J. Monies in possession of Public Employee's Retirement Fund - 74 O.S. § 923.
- K. Teacher's Annuities or Retirement Allowance - 70 O.S. § 17-109.
- L. Annuities and Pension Payments under Railroad Retirement Act - 45 U.S.C. § 231m.
- M. United States Civil Service Retirement and Disability Pension Fund Payments - 5 U.S.C. § 8346.
- N. United States Civil Service Survivor Annuities - 5 U.S.C. § 8346.
- O. Interest in Retirement, Pension and Profit Sharing Plans - 60 O.S. § 327, 60 O.S. § 328.
- P. The Wages of Masters and Seamen - 48 U.S.C. § 11109.
- Q. Funds vested in the Alien Property Custodian - 50 U.S.C. § 4309(f).
- R. Prepaid Burial Benefits - 36 O.S. § 8125.
- S. Proceeds of Group Life Insurance Policy - 36 O.S. § 3632 and 36 O.S. § 4026.
- T. Alimony, support, separate maintenance, or child support necessary for support of defendant dependent - 31 O.S. § 1.1.
- U. Personal wage exemption because of undue hardship - 31 O.S. § 1.1.
- V. Longshore and Harbor Worker's Death and Disability Benefits - 33 U.S.C. § 918.
- W. Foreign Service Retirement and Disability Benefits - 22 U.S.C. § 4060.
- X. Compensation for Injury, Death, or Detention of Employees of Contractors with the US Outside of the US - 42 U.S.C. § 1717.
- Y. Student loans or work assistance - 20 U.S.C. § 1095a.
- Z. FEMA Assistance - 44 CFR 208.110.

The above exemptions generally do not apply to judgments and garnishments for Alimony and Child Support. If you are a corporation, you may have other exemptions.

If an account is being garnished and the money in the account does not belong to you, or if you are aware of other reasons why money should not be taken to pay the judgment, you may want to consult an attorney. Because of the garnishment, the garnishee may be required to withhold the amount of money claimed by the plaintiff. You may not be able to withdraw that money. If your account contains Social Security payments or other federal benefit payments, your bank may have determined that some amounts are protected from garnishment.

If you believe that you are entitled to an exemption, complete the following steps immediately. You must complete the steps and return the form to the Court Clerk within five (5) days from the date you received this notice.

1. On the attached "Claim for Exemptions and Request for Hearing" form, check the box next to the exemptions you claim.
2. Check whether you claim all money is exempt. If you do not claim that all money is exempt, write in the amount you believe is exempt.
3. Sign your name in the space indicated on the form. Write the address where the Court Clerk can notify you of the hearing date and time.
4. Mail the claim for Exemptions and Request for Hearing to the Court Clerk. You may include copies of any information you have that the money is exempt, such as copies of documents or letters from government agencies.

THE COURT CLERK MUST RECEIVE THE CLAIM FOR EXEMPTION AND REQUEST FOR HEARING WITHIN FIVE DAYS FROM THE DATE YOU RECEIVED YOUR NOTICE. The Court Clerk will set the matter for hearing and notify you. At the hearing in Court, you will have to prove that your money is exempt from garnishment. You may want to consult an attorney for advice concerning the hearing. If you have been served with a continuing garnishment, you will be provided a claim for exemptions and request for hearing during each pay period during the garnishment period.

If you do not request a hearing within five (5) days from the date you received this notice, but believe you are entitled to an exemption, you should consult an attorney. The attorney may be able to assist you in claiming an exemption by filing a motion with the court.

YOU MUST ALSO MAIL A COPY OF YOUR CLAIM FOR EXEMPTION AND REQUEST FOR HEARING TO THE JUDGMENT CREDITOR'S ATTORNEY.

Additional Information About Garnishment Process

What is garnishment?

Garnishment is a legal process that allows a creditor to remove funds from your bank account to satisfy a debt that you have not paid. In other words, if you owe money to a person or company, they can obtain a court order directing your bank to take money out of your account to pay off your debt. If this happens, you cannot use that money in your account.

Who garnished my account?

The name of the creditor who obtained the garnishment writ against you can be found within the enclosed copy of the Writ of Garnishment. If you have questions concerning this garnishment, please contact the court or the attorney for the creditor listed on the Writ of Garnishment.

Do I need to do anything to access my protected funds?

You may use the "protected amount" of money in your account as you normally would. There is nothing else that you need to do to make sure that the "protected amount" is safe.

What types of Federal benefit payments are protected from garnishment?

In most cases, you have protections from garnishment if the funds in your account include one or more of the following Federal benefit payments:

- Social Security benefits
- Supplemental Security Income benefits
- Veterans benefits
- Railroad retirement benefits
- Railroad Unemployment Insurance benefits
- Civil Service Retirement System benefits
- Federal Employees Retirement System benefits

What should I do if I think that additional funds in my account are from Federal benefit payments?

If you believe that additional funds in your account(s) are from Federal benefit payments and should not have been removed, there are several things you can do:

- You can file a claim of exemption and submit it to the court. Some court clerk's offices have forms that you can use for this purpose.
- You may contact the creditor that garnished your account and explain that additional funds are from Federal benefit payments and should be released back to you. The creditor may be contacted through their attorney named on the enclosed Writ of Garnishment. If contact information for the creditor or for the creditor's attorney is not shown on the Writ of Garnishment, the court clerk that issued the Writ of Garnishment can provide that information to you.
- You may also consult an attorney (lawyer) to help you prove to the creditor who garnished your account that additional funds are from Federal benefit payments and cannot be taken. If you cannot afford an attorney, you can seek assistance from a free attorney or a legal aid society.

This notice is being provided to you under the requirements of federal law and regulations. By issuing this required notice Arvest Bank is not providing legal advice to you.